

(C) whether the requirements relating to a report the commission determines is necessary can be changed to make the reporting process more efficient.

(c) The Public Utility Commission of Texas shall conclude the review required by this section not later than September 30, 2006, and shall report to the legislature on the results of the review. The report must include:

(1) specific recommendations on which reports the commission determines are necessary and which are not necessary;

(2) for a report the commission determines is necessary, whether the requirements relating to the report can be changed to make the reporting process more efficient; and

(3) the actions the commission has taken or will take to amend commission rules to reflect the results of the review.

(d) If the Public Utility Commission of Texas determines that legislation is necessary or appropriate to eliminate or change reporting requirements prescribed by statute, the commission shall include those recommendations in the biennial report to the legislature required by Section 52.006, Utilities Code.

SECTION 14. Section 52.254, Utilities Code, is repealed.

SECTION 15. The change in law made by this Act relating to qualifications and eligibility to serve as a commissioner or to be employed with the Public Utility Commission of Texas applies only to a commissioner or employee appointed or employed after the effective date of this Act. A commissioner or employee of the Public Utility Commission of Texas who is serving or employed on the effective date of this Act is governed by the law as it existed immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

SECTION 16. The change in law made by this Act to Section 15.023, Utilities Code, applies only to a violation committed on or after the effective date of this Act. A violation committed before the effective date of this Act is governed by the law in effect when the violation was committed, and the former law is continued in effect for that purpose.

SECTION 17. An independent organization certified by the Public Utility Commission of Texas before September 1, 2005, shall modify the organization's governing body to comply with Subsection (g), Section 39.151, Utilities Code, as amended by this Act, not later than September 1, 2006. On or after September 1, 2006, the Public Utility Commission of Texas may decertify an independent organization whose governing body does not comply with Subsection (g), Section 39.151, Utilities Code, as amended by this Act.

SECTION 18. This Act takes effect September 1, 2005.

Passed the Senate on May 3, 2005: Yeas 31, Nays 0; May 26, 2005, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 29, 2005, House granted request of the Senate; May 29, 2005, Senate adopted Conference Committee Report by the following vote: Yeas 31, Nays 0; passed the House, with amendments, on May 23, 2005, by a non-record vote; May 29, 2005, House granted request of the Senate for appointment of Conference Committee; May 29, 2005, House adopted Conference Committee Report by a non-record vote.

Approved June 17, 2005.

Effective September 1, 2005.

## CHAPTER 798

### S.B. No. 411

#### AN ACT

relating to the regulation of barbers and cosmetologists by the Texas Department of Licensing and Regulation and the abolition of the State Board of Barber Examiners and the Texas Cosmetology Commission.

*Be it enacted by the Legislature of the State of Texas:*

## ARTICLE 1. TEXAS DEPARTMENT OF LICENSING AND REGULATION

SECTION 1.01. Title 9, Occupations Code, is amended by adding Chapter 1603 to read as follows:

## CHAPTER 1603. REGULATION OF BARBERING AND COSMETOLOGY

## SUBCHAPTER A. GENERAL PROVISIONS

Sec. 1603.001. *GENERAL DEFINITIONS.* (a) *In this chapter:*

- (1) "Commission" means the Texas Commission of Licensing and Regulation.
- (2) "Department" means the Texas Department of Licensing and Regulation.
- (3) "Executive director" means the executive director of the department.

(b) *Unless the context clearly indicates otherwise, the definitions in Chapters 1601 and 1602 apply to this chapter.*

Sec. 1603.002. *REGULATION OF BARBERING AND COSMETOLOGY BY DEPARTMENT OF LICENSING AND REGULATION.* The department shall administer this chapter and Chapters 1601 and 1602. A reference in this chapter to the commission's or department's powers or duties applies only in relation to those chapters, except that this section does not limit the department's or commission's general powers under Chapter 51.

*[Sections 1603.003–1603.050 reserved for expansion]*

## SUBCHAPTER B. ADVISORY BOARDS FOR BARBERING AND COSMETOLOGY

Sec. 1603.051. *DUTIES.* The advisory boards established under Chapters 1601 and 1602 shall advise the commission on administering this chapter and Chapters 1601 and 1602 regarding barbering or cosmetology, as applicable.

*[Sections 1603.052–1603.100 reserved for expansion]*

## SUBCHAPTER C. POWERS AND DUTIES

Sec. 1603.101. *RULES.* The commission shall adopt rules consistent with this chapter for:

- (1) the administration of this chapter and the operations of the department in regulating barbering and cosmetology; and
- (2) the administration of Chapters 1601 and 1602.

Sec. 1603.102. *SANITATION RULES.* The commission shall establish sanitation rules to prevent the spread of an infectious or contagious disease.

Sec. 1603.103. *INSPECTION OF SCHOOLS, SHOPS, AND FACILITIES BEFORE OPERATION.* (a) *Until the department determines, by inspection, that the person has established the school, shop, or facility in compliance with this chapter, Chapter 1601, or Chapter 1602, a person may not operate a school, shop, or other facility licensed or permitted under this chapter, Chapter 1601, or Chapter 1602.*

(b) *A school, shop, or other facility that is not approved by the department on initial inspection may be reinspected.*

(c) *The school, shop, or other facility shall pay a fee for each inspection. The commission shall by rule set the amount of the fee.*

Sec. 1603.104. *PERIODIC AND RISK-BASED INSPECTIONS.* (a) *The department may enter and inspect at any time during business hours:*

(1) the place of business of any person regulated under this chapter, Chapter 1601, or Chapter 1602; or

(2) any place in which the department has reasonable cause to believe that a certificate, license, or permit holder is practicing in violation of this chapter, Chapter 1601, or Chapter 1602 or in violation of a rule or order of the commission or executive director.

(b) At least once every two years, the department shall inspect each school, shop, or other facility that holds a license, certificate, or permit under this chapter, Chapter 1601, or Chapter 1602.

(c) The department shall conduct additional inspections based on a schedule of risk-based inspections using the following criteria:

(1) the type and nature of the school, shop, or other facility;

(2) whether there has been a prior sanitation violation at the school, shop, or facility;

(3) the inspection history of the school, shop, or other facility;

(4) any history of complaints involving the school, shop, or other facility; and

(5) any other factor determined by the commission by rule.

(d) An inspector who discovers a violation of this chapter, Chapter 1601, or Chapter 1602 or of a rule or order of the commission or executive director shall:

(1) provide written notice of the violation to the license, certificate, or permit holder on a form prescribed by the department; and

(2) file a complaint with the executive director.

(e) The school, shop, or other facility shall pay a fee for each inspection performed under Subsection (c). The commission shall by rule set the amount of the fee.

Sec. 1603.105. **RETENTION OF STUDENT RECORDS.** The department may not retain student records, including student transcripts, beyond the time required by state law.

[Sections 1603.106–1603.150 reserved for expansion]

#### SUBCHAPTER D. PUBLIC PARTICIPATION AND COMPLAINT PROCEDURES

Sec. 1603.151. **NOTIFICATION OF PUBLIC INTEREST INFORMATION AND PARTICIPATION.** The commission by rule shall establish methods by which consumers and service recipients are notified of the name, mailing address, and telephone number of the department for the purpose of directing complaints to the department regarding barbering and cosmetology. The department may provide for that notice:

(1) on each registration form, application, or written contract for services of a person regulated under this chapter, Chapter 1601, or Chapter 1602;

(2) on a sign prominently displayed in the place of business of each person regulated under this chapter, Chapter 1601, or Chapter 1602; or

(3) in a bill for service provided by a person regulated under this chapter, Chapter 1601, or Chapter 1602.

Sec. 1603.152. **COMPLAINT JURISDICTION; NOTIFICATION.** If the department determines that it lacks jurisdiction to resolve the complaint, the department shall notify the complainant in writing that the department is closing the complaint because it lacks jurisdiction.

Sec. 1603.153. **ANALYSIS OF COMPLAINTS AND VIOLATIONS.** (a) The department shall develop and maintain a system to analyze the processing, sources, and types of complaints filed with the department and the types of violations that occur under this chapter, Chapter 1601, and Chapter 1602.

(b) Based on the information under Subsection (a), the department shall analyze trends in violations and complaints that may require further attention or technical assistance to help reduce the frequency of those complaints and violations.

(c) The department shall annually compile a statistical analysis of the complaints filed and violations occurring during the preceding year, including:

- (1) the number of complaints filed;
- (2) a categorization of complaints filed according to the basis of the complaint and the number of complaints in each category;
- (3) the number of complaints filed by department staff;
- (4) the number of complaints filed by persons other than department staff;
- (5) the number of complaints filed over which the department lacks jurisdiction;
- (6) the average length of time required to close a complaint or violation from the time the department receives the complaint or otherwise initiates an investigation of a possible violation until the complaint or violation is resolved by a final order or penalty;
- (7) the number of complaints resolved and the manner in which they were resolved, including:
  - (A) the number of complaints dismissed and the reasons for dismissal; and
  - (B) the number of complaints resulting in disciplinary action and the type of disciplinary action taken; and
- (8) the number of complaints filed that are unresolved, the number of those complaints filed by department staff, the number of those complaints filed by persons other than department staff, and the average length of time that the unresolved complaints have been on file.

Sec. 1603.154. **INFORMAL SETTLEMENT CONFERENCE.** The department shall establish guidelines for an informal settlement conference related to a complaint filed with the department.

[Sections 1603.155–1603.200 reserved for expansion]

#### SUBCHAPTER E. CERTIFICATE, LICENSE, AND PERMIT REQUIREMENTS

Sec. 1603.201. **APPLICATION FORM.** An application for a certificate, license, or permit must be made on a form prescribed and provided by the department.

Sec. 1603.202. **DUPLICATE CERTIFICATE, LICENSE, OR PERMIT.** The department shall issue a duplicate certificate, license, or permit to an applicant who:

- (1) submits an application for a duplicate certificate, license, or permit to the department; and
- (2) pays the required fee.

Sec. 1603.203. **PROVISIONAL CERTIFICATE OR LICENSE.** (a) The department may issue a provisional certificate or license to an applicant currently licensed in another jurisdiction who seeks a certificate or license in this state and who:

- (1) has been licensed in good standing in the profession for which the person seeks the certificate or license for at least two years in another jurisdiction, including a foreign country, that has requirements substantially equivalent to the requirements of this chapter, Chapter 1601, or Chapter 1602, as appropriate; and
- (2) has passed a national or other examination recognized by the commission relating to the practice of that profession.

(b) A provisional certificate or license is valid until the date the department approves or denies the provisional certificate or license holder's application. The department shall issue a certificate or license to the provisional certificate or license holder if:

- (1) the provisional certificate or license holder is eligible to hold a certificate or license under Chapter 1601 or Chapter 1602; or
- (2) the provisional certificate or license holder passes the part of the examination under Chapter 1601 or Chapter 1602 that relates to the applicant's knowledge and understanding of the laws and rules relating to the practice of the profession in this state and:

(A) the department verifies that the provisional certificate or license holder meets the academic and experience requirements for the certificate or license; and

(B) the provisional certificate or license holder satisfies any other certificate or license requirements.

(c) The department must approve or deny a provisional certificate or license holder's application for a certificate or license not later than the 180th day after the date the provisional certificate or license is issued. The department may extend the 180-day period if the results of an examination have not been received by the department before the end of that period.

Sec. 1603.204. **RECIPROCAL CERTIFICATE, LICENSE, OR PERMIT.** (a) A person who holds a license, certificate, or permit to practice barbering or cosmetology from another state or country that has standards or work experience requirements that are substantially equivalent to the requirements of this chapter, Chapter 1601, or Chapter 1602 may apply for a license, certificate, or permit to perform the same acts of barbering or cosmetology in this state that the person practiced in the other state or country.

(b) The person must:

- (1) submit an application for the license, certificate, or permit to the department; and
- (2) pay fees in an amount prescribed by the commission, including any applicable license, certificate, or permit fee.

(c) A person issued a license, certificate, or permit under this section:

- (1) may perform the acts of barbering or cosmetology stated on the license, certificate, or permit; and
- (2) is subject to the renewal procedures and fees provided in this chapter, Chapter 1601, or Chapter 1602 for the performance of those acts of barbering or cosmetology.

[Sections 1603.205–1603.250 reserved for expansion]

#### SUBCHAPTER F. EXAMINATION REQUIREMENTS

Sec. 1603.251. **DEFINITION.** In this subchapter, "examination proctor" means an individual registered under this subchapter to administer a practical examination for the department.

Sec. 1603.252. **GENERAL EXAMINATION REQUIREMENTS.** (a) The department may accept, develop, or contract for the examinations required by this chapter, including the administration of the examinations.

(b) The executive director shall determine uniform standards for acceptable performance on an examination for a license or certificate under Chapter 1601 and for a license or certificate under Chapter 1602.

(c) The examination must include a written examination as provided by Section 1603.253 and may include a practical examination as provided by Section 1603.256.

Sec. 1603.253. **WRITTEN EXAMINATION.** The commission shall select an examination for each written examination required under this chapter, Chapter 1601, or Chapter 1602. The written examination must be:

- (1) validated by an independent testing professional; or
- (2) purchased from a national testing service.

Sec. 1603.254. **EXAMINATION FOR BARBERS.** (a) An applicant for an examination for a certificate or license issued under Chapter 1601 must submit to the department an application on a form prescribed and provided by the department accompanied by:

- (1) two photographs of the applicant, one of which accompanies the application and one of which is to be returned to the applicant to be presented at the examination; and
- (2) the appropriate examination fee.

(b) The department shall examine applicants for a Class A barber certificate and a teacher's certificate.

Sec. 1603.255. **EARLY EXAMINATION.** The department, on written request by a student, may provide for the early written examination of an applicant for a Class A barber

*certificate, a teacher's certificate, or an operator license who has completed at least 1,000 hours of instruction in a department-approved training program.*

**Sec. 1603.256. PRACTICAL EXAMINATION.** (a) *The commission may require a practical examination as it considers necessary for a license or certificate issued under Chapter 1601 or 1602.*

(b) *The department shall prescribe the method and content of any practical examination.*

(c) *The following persons may administer a practical examination required under this subchapter:*

- (1) *the department;*
- (2) *a person with whom the department contracts under Section 1603.252; or*
- (3) *an examination proctor.*

**Sec. 1603.257. EXAMINATION PROCTOR; REGISTRATION.** (a) *A person may not act as an examination proctor under this subchapter unless the person is registered with the department under this section.*

(b) *To be eligible for registration as an examination proctor, a person must:*

- (1) *meet eligibility requirements determined by commission rule;*
- (2) *file with the department an application on a form prescribed by the department; and*
- (3) *pay the required fees as determined by the commission by rule.*

(c) *If the department requires an examination proctor to administer a practical examination under this subchapter, the examination proctor shall perform the examination administration function of the department in a competent and professional manner and in compliance with:*

- (1) *standards and specifications adopted by the commission under this chapter; and*
- (2) *rules adopted by the commission under this chapter.*

*[Sections 1603.258–1603.300 reserved for expansion]*

#### **SUBCHAPTER G. CERTIFICATE, LICENSE, AND PERMIT RENEWAL**

**Sec. 1603.301. DENIAL OF RENEWAL DUE TO ADMINISTRATIVE PENALTY.** *The department may deny a person's request to renew a certificate, license, or permit issued under this chapter, Chapter 1601, or Chapter 1602 if the person has not paid an administrative penalty imposed under Subchapter F, Chapter 51. This section does not apply if:*

- (1) *the person's time to pay or request a hearing has not expired under Section 51.304;*
- (2) *the person has requested a hearing under Section 51.304, but the person's time to pay has not expired under Section 51.307; or*
- (3) *the penalty is stayed.*

*[Sections 1603.302–1603.350 reserved for expansion]*

#### **SUBCHAPTER H. PRACTICE PROVISIONS APPLICABLE TO CHAPTERS 1601 AND 1602**

**Sec. 1603.351. MINIMUM CURRICULUM FOR SCHOOLS.** *The commission shall prescribe the minimum curriculum, including the subjects and the number of hours in each subject, taught by a school licensed under this chapter, Chapter 1601, or Chapter 1602, including a private beauty culture school or a vocational cosmetology program in a public school.*

**Sec. 1603.352. SANITATION REQUIREMENTS FOR CERTAIN SERVICES.** (a) *A person who holds a license, certificate, or permit issued under this chapter, Chapter 1601, or Chapter 1602 and who performs a barbering service described by Section 1601.002(1)(E) or (F) or a cosmetology service described by Section 1602.002(10) or (11):*

(1) shall, before performing the service, disinfect and sterilize with an autoclave each nondisposable instrument used to perform the service; and

(2) may use a disposable supply or instrument only if that supply or instrument is purchased at the location where the service is performed or provided by the person on whom the service is performed.

(b) The owner or manager of a barber shop, barber school, beauty shop, specialty shop, or beauty culture school is responsible for providing an autoclave for use in the shop or school as required by Subsection (a). An autoclave used as required by Subsection (a) must be:

- (1) registered and listed with the federal Food and Drug Administration; and
- (2) used in accordance with the manufacturer's instructions.

[Sections 1603.353–1603.400 reserved for expansion]

#### SUBCHAPTER I. DENIAL AND DISCIPLINARY PROCEDURES

Sec. 1603.401. *DENIAL, SUSPENSION, OR REVOCATION.* The department shall deny an application for issuance or renewal of, or shall suspend or revoke, a certificate, license, or permit if the applicant or person holding the certificate, license, or permit:

- (1) engages in gross malpractice;
- (2) knowingly continues to practice while having an infectious or contagious disease;
- (3) knowingly makes a false or deceptive statement in advertising;
- (4) advertises, practices, or attempts to practice under another person's name or trade name;
- (5) engages in fraud or deceit in obtaining a certificate, license, or permit; or
- (6) engages in an act that violates this chapter, Chapter 51, Chapter 1601, or Chapter 1602 or a rule or order adopted or issued under those chapters.

[Sections 1603.402–1603.450 reserved for expansion]

#### SUBCHAPTER J. OTHER PENALTIES AND ENFORCEMENT PROVISIONS

Sec. 1603.451. *INJUNCTIVE RELIEF.* (a) If a certificate, license, or permit holder commits a violation of this chapter, Chapter 1601, Chapter 1602, or a commission rule and the violation poses a serious threat to the public health, the attorney general shall initiate a suit for injunction and proceedings for suspension or revocation of the certificate, license, or permit.

(b) In seeking an injunction under this section, the attorney general is not required to allege or prove:

- (1) that an adequate remedy at law does not exist; or
- (2) that substantial or irreparable damage would result from the continued violation.

Sec. 1603.452. *CIVIL PENALTY.* (a) A barber, barbershop owner, barber school, or private beauty culture school that violates this chapter, Chapter 1601, Chapter 1602, or a commission rule is liable for a civil penalty in addition to any injunctive relief or other remedy provided by law.

(b) The amount of the civil penalty for a barber or barbershop owner may not exceed \$25 a day for each violation.

(c) The amount of the civil penalty for a barber school or private beauty culture school may not exceed \$1,000 a day for each violation.

(d) The attorney general may sue to collect the civil penalty.

Sec. 1603.453. *APPEAL BOND NOT REQUIRED.* The department is not required to give an appeal bond in a cause arising under this chapter, Chapter 1601, or Chapter 1602.

*Sec. 1603.454. ENFORCEMENT BY ATTORNEY GENERAL. The attorney general shall represent the department in an action to enforce this chapter, Chapter 1601, or Chapter 1602.*

## ARTICLE 2. REGULATION OF BARBERING

SECTION 2.01. Subsection (a), Section 1601.001, Occupations Code, is amended by amending Subdivisions (3), (4), (5), and (8) and adding Subdivisions (4-a) and (4-b) to read as follows:

- (3) "Board" means the *Advisory [State] Board on Barbering [of Barber Examiners]*.
- (4) "Certificate" means a certificate of registration issued by the *department [board]*.
- (4-a) "*Commission*" means the *Texas Commission of Licensing and Regulation*.
- (4-b) "*Department*" means the *Texas Department of Licensing and Regulation*.
- (5) "License" means a license issued by the *department [board]*.
- (8) "Permit" means a permit issued by the *department [board]*.

SECTION 2.02. Section 1601.003, Occupations Code, is amended to read as follows:

Sec. 1601.003. APPLICATION OF CHAPTER. This chapter does not apply to a person who:

- (1) does not represent or advertise to the public directly or indirectly that the person is authorized by the *department [board]* to practice barbering; and
- (2) is:
  - (A) a physician or registered nurse licensed in this state and operating within the scope of the person's license;
  - (B) a commissioned or authorized medical or surgical officer of the United States armed forces;
  - (C) a person regulated under Chapter 1602, if the person practices within the scope of a *permit*, license, or certificate issued by the *department under that chapter [Texas Cosmetology Commission]*; or
  - (D) an inmate in the institutional division of the Texas Department of Criminal Justice who performs barbering during the person's incarceration.

SECTION 2.03. The heading to Subchapter B, Chapter 1601, Occupations Code, is amended to read as follows:

### SUBCHAPTER B. *ADVISORY [STATE] BOARD ON BARBERING [OF BARBER EXAMINERS]*

SECTION 2.04. Subsection (a), Section 1601.051, Occupations Code, is amended to read as follows:

*[(a)]* The *Advisory [State] Board on Barbering [of Barber Examiners]* consists of *five [seven]* members appointed by the *presiding officer of the commission, with the commission's approval, [governor with the advice and consent of the senate]* as follows:

- (1) two members, each of whom:
  - (A) is engaged in the practice of barbering as a Class A barber *[and has been for at least five years before being appointed]*; and
  - (B) does not hold a barbershop permit;
- (2) *two members, each of whom [one member who:*
  - [(A)]* is a barbershop owner who holds a barbershop permit; and
  - [(B)] is engaged in the practice of barbering and has been for at least five years before being appointed;]*
- (3) one member who holds a permit to conduct or operate a barber school~~[- and~~
- ~~[(4) three members who represent the public].~~



SECTION 2.05. Section 1601.055, Occupations Code, is amended to read as follows:

Sec. 1601.055. TERMS; VACANCY. (a) Members of the board serve staggered six-year terms, with the terms of *one or two* ~~[or three]~~ members expiring on the same date *each odd-numbered year* ~~[every two years]~~.

(b) If a vacancy occurs during a member's term, the *presiding officer of the commission, with the commission's approval*, ~~[governor]~~ shall appoint a replacement to fill the unexpired term.

SECTION 2.06. Section 1601.058, Occupations Code, is amended to read as follows:

Sec. 1601.058. PRESIDING OFFICER. The *presiding officer of the commission, with the commission's approval*, ~~[governor]~~ shall designate a board member as presiding officer to serve in that capacity *for a two-year term* ~~[at the will of the governor]~~.

SECTION 2.07. Subchapter B, Chapter 1601, Occupations Code, is amended by adding Section 1601.059 to read as follows:

Sec. 1601.059. BOARD DUTIES. (a) *The board shall advise the commission and the department on:*

- (1) *education and curricula for applicants;*
- (2) *the content of examinations;*
- (3) *proposed rules and standards on technical issues related to barbering; and*
- (4) *other issues affecting barbering.*

(b) *The board shall respond to questions from the department and the commission regarding barbering.*

SECTION 2.08. Section 1601.253, Occupations Code, is amended to read as follows:

Sec. 1601.253. ELIGIBILITY FOR CLASS A BARBER CERTIFICATE. (a) An applicant for a Class A barber certificate must:

- (1) be at least 16 years of age; and
  - (2) pass a written and practical examination demonstrating to the *department's* ~~[board's]~~ satisfaction the applicant's fitness and competence to practice barbering.
- (b) The *department* ~~[board]~~ shall issue a Class A barber certificate to an applicant who:
- (1) complies with the application requirements of this chapter;
  - (2) passes the examination with an average grade of at least 75 percent;
  - (3) pays *the required* ~~[a]~~ fee ~~[not to exceed \$100]~~; and
  - (4) possesses the other qualifications required by this chapter.

SECTION 2.09. Subsections (a) and (c), Section 1601.254, Occupations Code, are amended to read as follows:

(a) An applicant for a teacher's certificate must:

- (1) be a Class A barber;
- (2) have at least five years' experience as a practicing barber in a barbershop, two years of which occurred in the two years preceding the application date; and
- (3) submit *the required* ~~[an]~~ examination fee ~~[not to exceed \$100]~~ with the application.

(c) The *department* ~~[board]~~ shall issue a teacher's certificate to an applicant who:

- (1) passes the appropriate examination; and
- (2) pays *the required* ~~[a]~~ certificate fee ~~[not to exceed:~~

~~[(A) \$100, if the applicant fulfills the certificate requirements during the period beginning November 1 of an odd-numbered year and extending through October 31 of the following year; or~~

~~[(B) \$50, if the applicant fulfills the certificate requirements during the period beginning November 1 of an even-numbered year and extending through October 31 of the following year].~~

SECTION 2.10. Subsections (b) and (d), Section 1601.256, Occupations Code, are amended to read as follows:

(b) An applicant for a barber technician license must:

- (1) be at least 16 years of age;
- (2) have completed the seventh grade or the equivalent of the seventh grade;
- (3) have completed a course of instruction in a *commission-approved* ~~[board-approved]~~ training program consisting of not less than 300 hours in a period of not less than eight weeks; and
- (4) submit *the required* ~~[a \$10 administration]~~ fee with the application.

(d) The *department* ~~[board]~~ shall issue a barber technician license to an applicant who:

- (1) possesses the qualifications described by Subsection (b);
- (2) passes the appropriate examination;
- (3) pays *the required* [a] license fee ~~[not to exceed \$100]~~; and
- (4) has not committed an act that is a ground for denial of a license.

SECTION 2.11. Subsections (b) and (c), Section 1601.257, Occupations Code, are amended to read as follows:

(b) An applicant for a manicurist license must:

- (1) be at least 17 ~~[16]~~ years of age;
- (2) have completed the seventh grade or the equivalent of the seventh grade;
- (3) have completed a *commission-approved* ~~[board-approved]~~ training program consisting of 600 hours of instruction in manicuring; and
- (4) submit *the required* ~~[a \$10 administration]~~ fee with the application.

(c) The *department* ~~[board]~~ shall issue a manicurist license to an applicant who:

- (1) possesses the qualifications described by Subsection (b);
- (2) passes the appropriate examination;
- (3) pays *the required* [a] license fee ~~[not to exceed \$30]~~; and
- (4) has not committed an act that is a ground for denial of a license.

SECTION 2.12. Section 1601.260, Occupations Code, is amended to read as follows:

Sec. 1601.260. ELIGIBILITY FOR STUDENT PERMIT. (a) An applicant for a permit to be a student in a barber school must:

- (1) submit an enrollment application to the *department* ~~[board]~~ in the form prescribed by the *department* ~~[board]~~;
- (2) have completed the seventh grade;
- (3) satisfy other requirements specified by the *department* ~~[board]~~; and
- (4) submit with the application *the required* [a] nonrefundable application fee ~~[in an amount not to exceed \$25]~~.

(b) A separate application is required for each enrollment, reenrollment, or transfer enrollment. The application fee applies only to the first enrollment. The *department* ~~[board]~~ may not charge the application fee for any later enrollment, reenrollment, or transfer enrollment.

SECTION 2.13. Section 1601.265, Occupations Code, is amended to read as follows:

Sec. 1601.265. WAIVER OF LICENSE REQUIREMENTS; PERSONAL INTERVIEW. (a) The *department* ~~[board]~~ may waive any license requirement for an applicant holding a license from another state or country that has license requirements substantially equivalent to those of this state.

(b) The *department* ~~[board]~~ may not require a personal interview as part of the application process.

SECTION 2.14. Subsection (b), Section 1601.301, Occupations Code, is amended to read as follows:

(b) *Not later than the third day after the date the shop opens, a [A] person who owns, operates, or manages a barbershop or specialty shop must[;*

[4)] submit an application to the *department* [board] for an appropriate permit for each shop, *accompanied by a fee set by commission rule*; ~~and~~

~~[(2) register with the board the person's full name and the location of each shop].~~

SECTION 2.15. Section 1601.303, Occupations Code, is amended to read as follows:

Sec. 1601.303. ISSUANCE OF BARBERSHOP PERMIT. The *department* [board] shall issue a barbershop permit to an applicant if:

(1) the applicant *owns the barbershop* [holds a Class A barber certificate;

~~[(2) the applicant has practiced barbering for at least 12 months]; and~~

(2) [(3)] the shop meets the minimum health standards for barbershops set by the *commission* [board] and all other *commission* rules [of the board].

SECTION 2.16. Subsections (b) and (c), Section 1601.304, Occupations Code, are amended to read as follows:

(b) An applicant for a manicurist specialty shop permit must submit:

(1) an application that includes:

(A) the shop's address;

(B) the legal description of the premises for which the permit is sought; and

(C) any other information required by the *department* [board]; and

(2) *the required* [an] inspection fee [in an amount not to exceed \$50].

(c) As soon as practicable after receipt of the application and fee, the *department* [board] shall issue a temporary manicurist specialty shop permit to the applicant. The applicant may operate the applicant's shop under the temporary permit until a permanent permit is issued.

SECTION 2.17. Section 1601.305, Occupations Code, is amended to read as follows:

Sec. 1601.305. ISSUANCE OF MANICURIST SPECIALTY SHOP PERMIT. The *department* [board] shall issue a permanent manicurist specialty shop permit to an applicant if:

(1) the applicant holds a manicurist license; and

(2) the shop meets the minimum health standards for manicurist specialty shops set by the *commission* [board], as determined by a *department* [board] inspection *under Section 1603.103*, and any other requirements imposed by *commission* [board] rule.

SECTION 2.18. Section 1601.309, Occupations Code, is amended to read as follows:

Sec. 1601.309. PRACTICE BY COSMETOLOGIST AT SPECIALTY SHOP PROHIBITED. A person who holds a license, permit, or certificate issued by the *department under Chapter 1602* [Texas Cosmetology Commission] may not practice under that authority at a specialty shop regulated under this chapter.

SECTION 2.19. Section 1601.352, Occupations Code, is amended to read as follows:

Sec. 1601.352. APPLICATION FOR BARBER SCHOOL PERMIT. (a) An applicant for a barber school permit must demonstrate to the *department* [board] that the school meets the requirements of this subchapter for issuance of a permit.

(b) Before issuing a barber school permit, the *department* [board] must determine that the applicant is financially sound and capable of fulfilling the applicant's commitments for training.

SECTION 2.20. Section 1601.353, Occupations Code, is amended to read as follows:

Sec. 1601.353. REQUIRED FACILITIES AND EQUIPMENT. (a) The *department* [board] may not approve an application for a permit for a barber school that provides training leading to issuance of a Class A barber certificate unless the school has:

(1) an adequate school site housed in a substantial building of permanent construction containing at least 2,800 square feet of floor space, divided into:

(A) a senior department;

(B) a junior department;

(C) a class theory room;

- (D) a supply room;
- (E) an office space;
- (F) a dressing and cloak room; and
- (G) two sanitary, modern, separate restrooms, each equipped with one commode and one of which is also equipped with a urinal;
- (2) a hard-surface floor-covering of tile or other suitable material;
- (3) at least 20 modern barber chairs, including a cabinet and mirror for each chair;
- (4) a lavatory behind every two barber chairs;
- (5) a liquid sterilizer for each barber chair;
- (6) an adequate number of latherers, vibrators, and hair dryers for student use;
- (7) adequate lighting for each room;
- (8) at least 20 classroom chairs, a blackboard, anatomical charts of the head, neck, and face, and one barber chair in the class theory room;
- (9) a library with library facilities available to students containing at least one medical dictionary and a standard work on human anatomy;
- (10) adequate drinking fountain facilities, with at least one for each floor;
- (11) adequate toilet facilities for the students; and
- (12) adequate fire-fighting equipment.
- (b) An applicant for a barber school permit must submit to the *department* [board]:
  - (1) a detailed drawing and chart of the proposed physical layout of the school, showing the departments, floor space, equipment, lights, and outlets;
  - (2) photographs of the proposed site for the school, including the interior and exterior of the building, rooms, and departments;
  - (3) a detailed copy of the training program;
  - (4) a copy of the catalogue and promotional literature of the school;
  - (5) a copy of the building lease or proposed building lease if the building is not owned by the school;
  - (6) a sworn statement showing the ownership of the school; and
  - (7) *the required* [a] permit fee [~~not to exceed \$1,000~~].

SECTION 2.21. Section 1601.354, Occupations Code, is amended to read as follows:

Sec. 1601.354. PREREQUISITES FOR GRADUATION. (a) The *department* [board] may not approve an application for a barber school permit unless the school requires as a prerequisite for graduation the following hours of instruction:

- (1) for a barber technician, 300 hours of instruction completed in a course of not less than eight weeks;
- (2) for a Class A barber, 1,500 hours of instruction completed in a course of not less than nine months, at least 800 hours of which is in the actual practice of cutting hair as a primary service;
- (3) for a manicurist, 600 hours of instruction completed in a course of not less than 16 weeks; and
- (4) for a teacher, 1,000 hours of instruction completed in a course of not less than six months.

(b) If a barber school offers a refresher course, the course must require at least 300 hours of instruction. The *commission* [board] by rule shall set the curriculum for a refresher course.

SECTION 2.22. Section 1601.355, Occupations Code, is amended to read as follows:

Sec. 1601.355. SUPERVISION AND TEACHING REQUIREMENTS. (a) The *department* [board] may not approve an application for a permit for a barber school that provides training leading to issuance of a Class A barber certificate unless the school is under the

direct supervision and control of a Class A barber certificate holder who presents evidence of at least five years' experience as a practicing barber.

(b) Each barber school for which a permit is sought must have at least one teacher who has a teacher's certificate and is capable and qualified to teach to the students the required curriculum of the school. In addition to satisfying other *department* [board] requirements, the teacher must demonstrate to the *department* [board]:

- (1) through a written and practical examination an ability to teach the curriculum; and
- (2) that the teacher is qualified to teach and:

(A) has had at least six months' experience as a teacher in an approved school in this state or in another state approved by the *department* [board]; or

(B) has completed 1,000 hours of instruction in a postgraduate course as a student teacher in a *department-approved* [board-approved] barber school in this state.

SECTION 2.23. Subsections (a) and (b), Section 1601.3571, Occupations Code, are amended to read as follows:

(a) If on January 1 of any year the amount in the barber school tuition protection account is less than \$25,000, the *department* [board] shall collect a fee from each barber school during that year by applying a percentage to the school's renewal fee at a rate that will bring the balance of the account to \$25,000.

(b) The comptroller shall invest the account in the same manner as other state funds. Sufficient money from the account shall be appropriated to the *department* [board] for the purpose of refunding unused tuition if a barber school ceases operation before its course of instruction is complete. The *department* [board] shall administer claims made against the account.

SECTION 2.24. Subsection (c), Section 1601.402, Occupations Code, is amended to read as follows:

(c) The *department* [board] shall issue a renewal certificate or license on receipt of a renewal application in the form prescribed by the *department* [board], accompanied by a renewal fee in an amount equal to the original certificate or license fee [but not to exceed \$100].

SECTION 2.25. The heading to Section 1601.404, Occupations Code, is amended to read as follows:

Sec. 1601.404. ~~[RENEWAL OR]~~ REINSTATEMENT OF EXPIRED CERTIFICATE OR LICENSE BY RETIREE.

SECTION 2.26. Subsection (c), Section 1601.404, Occupations Code, is amended to read as follows:

(c) A Class A barber or license holder who retires from practice and whose certificate or license has been expired for more than five years may qualify for a new certificate or license by applying to the *department* [board] and by:

- (1) making a proper showing to the *department* [board], supported by a personal affidavit;
- (2) paying the required [an] examination fee [not to exceed \$100];
- (3) passing a satisfactory examination conducted by the *department* [board]; and
- (4) paying the fee for an original certificate or license.

SECTION 2.27. Section 1601.405, Occupations Code, is amended to read as follows:

Sec. 1601.405. RENEWAL WHILE IN ARMED FORCES. (a) The *department* [board] may not require a Class A barber, barber technician, teacher, or manicurist who is serving on active duty in the United States armed forces to renew the person's certificate or license.

(b) The *department* [board] shall issue a renewal certificate or license on application and payment of the required [a] renewal fee not later than the 90th day after the date the person is released or discharged from active duty in the armed forces. [The renewal fee is:

~~[(1) \$10 if the application and payment are made during the period beginning November 1 of an odd-numbered year and ending October 31 of the following year; or~~

~~[(2) \$5 if the application and payment are made during the period beginning November 1 of an even-numbered year and ending October 31 of the following year.]~~

SECTION 2.28. Section 1601.406, Occupations Code, is amended to read as follows:

Sec. 1601.406. RENEWAL OF BARBERSHOP OR SPECIALTY SHOP PERMIT. (a) A barbershop permit or specialty shop permit expires *on the second anniversary of the date of issuance* ~~[on July 1 of each odd-numbered year]~~.

(b) A barbershop permit holder may renew the permit by paying *the required* [a] renewal fee ~~[not to exceed \$70]~~.

(c) A specialty shop permit holder may renew the permit by submitting to the *department* ~~[board]~~ a renewal application accompanied by *the required* [a] renewal fee ~~[not to exceed \$50]~~.

SECTION 2.29. Section 1601.407, Occupations Code, is amended to read as follows:

Sec. 1601.407. RENEWAL OF BARBER SCHOOL PERMIT. (a) A barber school permit expires *on the first anniversary* ~~[September 1]~~ *of the date of issuance* ~~[each year]~~.

(b) A barber school may renew its permit by paying *the required* [a] renewal fee ~~[not to exceed \$300]~~.

SECTION 2.30. Section 1601.452, Occupations Code, is amended to read as follows:

Sec. 1601.452. DISPLAY OF SANITATION RULES. Each barbershop or specialty shop shall post in the shop a copy of the *commission's sanitation* ~~[board's]~~ rules ~~[adopted under Section 1601.152]~~.

SECTION 2.31. Section 1601.453, Occupations Code, is amended to read as follows:

Sec. 1601.453. LOCATION OF PRACTICE. A person licensed by the *department* ~~[board]~~ may practice barbering only at a location for which the *department* ~~[board]~~ has issued a barbershop permit, specialty shop permit, or barber school permit.

SECTION 2.32. Section 1601.454, Occupations Code, is amended to read as follows:

Sec. 1601.454. PRACTICE AT FACILITY LICENSED OR PERMITTED *AS BARBER AND COSMETOLOGIST FACILITY* ~~[BY BOARD AND TEXAS COSMETOLOGY COMMISSION]~~. (a) The *commission* ~~[board]~~ may not adopt rules to restrict or prohibit practice by a Class A barber or manicurist in a facility solely because the facility is licensed or permitted by ~~[both] the department under both this chapter and Chapter 1602 [board and the Texas Cosmetology Commission]~~.

(b) ~~If a facility has a license or permit under both this chapter and Chapter 1602 [the board and the Texas Cosmetology Commission license or permit the same facility], the commission [board] may not adopt rules requiring separate treatment of the barbers and cosmetologists practicing in the facility or of their customers, including separate:~~

- ~~(1) work areas for barbers and cosmetologists;~~
- ~~(2) waiting areas for customers of the barbers and cosmetologists; or~~
- ~~(3) restrooms for the barbers and cosmetologists practicing in the facility or for their customers.~~

SECTION 2.33. Section 1601.501, Occupations Code, is amended to read as follows:

Sec. 1601.501. DISPLAY OF *SHOP* ~~[BARBERSHOP]~~ PERMIT. A barbershop *or specialty shop* permit holder must display the permit in a conspicuous place in the shop for which the permit is issued.

SECTION 2.34. Section 1601.552, Occupations Code, is amended to read as follows:

Sec. 1601.552. DISPLAY OF SANITATION RULES. Each barber school shall post in the school a copy of the *commission's sanitation* ~~[board's]~~ rules ~~[adopted under Section 1601.152]~~.

SECTION 2.35. Section 1601.554, Occupations Code, is amended to read as follows:

Sec. 1601.554. CHANGE OF BARBER SCHOOL OWNERSHIP OR LOCATION. (a) If a barber school changes ownership, the *department* ~~[board]~~ must be notified of the change not later than the 10th day before the date the change takes effect.

(b) A barber school may not change the location of the school unless the school obtains approval from the *department* [board] before the change by showing that the proposed location meets the requirements of Subchapter H for issuance of a permit to the school.

SECTION 2.36. Section 1601.556, Occupations Code, is amended to read as follows:

Sec. 1601.556. INFORMATION PROVIDED TO PROSPECTIVE STUDENT. The holder of a barber school permit shall furnish each prospective student with:

- (1) a course outline;
- (2) a schedule of the tuition and other fees assessed;
- (3) the school's refund policy required under Section 1601.563;
- (4) the school's grading policy and rules relating to incomplete grades;
- (5) the school's rules of operation and conduct, including rules relating to absences;
- (6) the *department's* [board's] name, mailing address, and telephone number for the purpose of directing complaints to the *department* [board]; and
- (7) the current rates of job placement and employment of students who complete a course of training.

SECTION 2.37. Section 1601.557, Occupations Code, is amended to read as follows:

Sec. 1601.557. COURSE LENGTH AND CURRICULUM CONTENT. (a) A barber school shall submit to the *department* [board] for approval the course length and curriculum content for a course offered by the school. The course length and curriculum content shall be designed to reasonably ensure that a student develops the job skills and knowledge necessary for employment. The school may not implement a course length or curriculum content unless it is approved by the *department* [board].

(b) Before issuing or renewing a permit under this chapter, the *department* [board] shall require a school to account for all course lengths and curriculum contents.

SECTION 2.38. Subsection (b), Section 1601.559, Occupations Code, is amended to read as follows:

(b) The *department* [board] may inspect a school's attendance record book at any time.

SECTION 2.39. Subsection (a), Section 1601.560, Occupations Code, is amended to read as follows:

(a) In addition to the teacher required by Section 1601.355(b), a barber school that provides training leading to issuance of a Class A barber certificate shall have at least one qualified instructor, holding a Class A certificate, for every 25 [20] students *on the school's premises* [for instruction in practical work]. A teacher may serve as an instructor in practical work in addition to holding a position as a theory teacher.

SECTION 2.40. Section 1601.561, Occupations Code, is amended to read as follows:

Sec. 1601.561. REPORTS TO DEPARTMENT [BOARD]. (a) A barber school shall *maintain* [submit] a monthly progress report [to the board] regarding each student attending the school. The report must certify the daily attendance record of each student and the number of credit hours earned by each student during the previous month.

(b) On a student's completion of a prescribed course of instruction, the school shall *notify* [certify to] the *department* [board] that the student has completed the required number of hours and is eligible to take the appropriate examination.

(c) A barber school permit holder shall furnish to the *department* [board]:

- (1) the current course completion rates of students who attend a course of instruction offered by the school; and
- (2) job placement rates and employment rates of students who complete a course of instruction.

SECTION 2.41. Subsection (d), Section 1601.566, Occupations Code, is amended to read as follows:

(d) The *department* [board] may exempt a school from the payment of interest if the school makes a good faith effort to refund the tuition but is unable to locate the student. The school

shall provide to the *department* [board] on request documentation of the school's effort to locate the student.

SECTION 2.42. Section 1601.603, Occupations Code, is amended to read as follows:

Sec. 1601.603. DENIAL OF PERMIT; SUIT. (a) If the *department* [board] denies an application for a barber school permit, the school may request in writing the reasons for the refusal.

(b) If the barber school meets the requirements for issuance of the permit and shows that the requirements of this chapter have been met, and the *department* [board] refuses to issue the permit, the school may file suit in a district court in Travis County to require the *department* [board] to issue the permit.

(c) A suit under Subsection (b) must be filed not later than the 20th day after the date of the *department's* [board's] final order denying issuance of the permit, if registered notice of the order is mailed or it is otherwise shown that the school had notice of the order not later than the 10th day after the date the *department* [board] entered the order.

SECTION 2.43. Subsection (a), Section 1601.604, Occupations Code, is amended to read as follows:

(a) The *commission* [board] shall suspend or revoke the permit of a barber school that directly or indirectly violates this chapter.

SECTION 2.44. Section 1601.605, Occupations Code, is amended to read as follows:

Sec. 1601.605. PROBATION FOR ALTERING COURSE LENGTH. The *commission* [board] shall place on probation a barber school that alters a course length below or above industry standards until the school:

- (1) provides justification for the alteration; or
- (2) adjusts the course length to meet industry standards.

SECTION 2.45. Subsections (a), (b), and (c), Section 1601.606, Occupations Code, are amended to read as follows:

(a) If the *department* [board] has reasonable cause to believe that a barber school has violated this chapter or a rule adopted under this chapter, the *department* [board] may:

- (1) order a peer review of the school; or
- (2) suspend the admission of students to the school.

(b) The peer review shall be conducted by a peer review team consisting of knowledgeable persons selected by the *department* [board]. The *department* [board] shall attempt to provide a balance on a peer review team between members assigned to the team who are from this state and members who are from other states.

(c) The peer review team shall provide the *department* [board] with an objective assessment of the school's curriculum content and its application.

SECTION 2.46. Subsection (a), Section 1601.653, Occupations Code, is amended to read as follows:

(a) A person commits an offense if the person is a barber inspector or other *department* [board] employee and the person sells barber supplies or engages in a business, other than barbering, that deals directly with a barber, barbershop, specialty shop, or barber school.

### ARTICLE 3. REGULATION OF COSMETOLOGY

SECTION 3.01. Section 1602.001, Occupations Code, is amended to read as follows:

Sec. 1602.001. GENERAL DEFINITIONS. In this chapter:

- (1) "Board" means the Advisory Board on Cosmetology.
- (2) "Commission" means the Texas [Cosmetology] Commission of Licensing and Regulation.
- (3) "Department" means the Texas Department of Licensing and Regulation.
- (4) "Executive director" means the executive director of the department.



(5) [(2)] "Public school" includes a public high school, a public junior college, or any other nonprofit tax-exempt institution that conducts a cosmetology program.

SECTION 3.02. Section 1602.002, Occupations Code, is amended to read as follows:

Sec. 1602.002. DEFINITION OF COSMETOLOGY. (a) In this chapter, "cosmetology" means the practice of performing or offering to perform for compensation any of the following services:

- (1) treating a person's hair by:
  - (A) providing any method of treatment as a primary service, including arranging, beautifying, bleaching, cleansing, coloring, cutting, dressing, dyeing, processing, shampooing, shaping, singeing, straightening, styling, tinting, or waving;
  - (B) providing a necessary service that is preparatory or ancillary to a service under Paragraph (A), including bobbing, clipping, cutting, or trimming; or
  - (C) cutting the person's hair as a separate and independent service for which a charge is directly or indirectly made separately from charges for any other service;
- (2) weaving or braiding a person's hair;
- (3) shampooing and conditioning a person's hair;
- (4) servicing a person's wig or artificial hairpiece on a person's head or on a block after the initial retail sale and servicing in any manner listed in Subdivision (1);
- (5) treating a person's mustache or beard by arranging, beautifying, coloring, processing, styling, or trimming;
- (6) cleansing, stimulating, or massaging a person's scalp, face, neck, or arms:
  - (A) by hand or by using a device, apparatus, or appliance; and
  - (B) with or without the use of any cosmetic preparation, antiseptic, tonic, lotion, or cream;
- (7) beautifying a person's face, neck, or arms using a cosmetic preparation, antiseptic, tonic, lotion, powder, oil, clay, cream, or appliance;
- (8) administering facial treatments;
- (9) removing superfluous hair from a person's body using depilatories or mechanical tweezers;
- (10) treating a person's nails by:
  - (A) cutting, trimming, polishing, tinting, coloring, cleansing, or manicuring; or
  - (B) attaching false nails; or
- (11) massaging, cleansing, treating, or beautifying a person's hands or feet.

(b) *The commission by rule may amend the definition of cosmetology to eliminate a service included in that definition under Subsection (a).*

SECTION 3.03. The heading to Subchapter B, Chapter 1602, Occupations Code, is amended to read as follows:

SUBCHAPTER B. *ADVISORY BOARD ON* [TEXAS]  
COSMETOLOGY [COMMISSION]

SECTION 3.04. The heading to Section 1602.051, Occupations Code, is amended to read as follows:

Sec. 1602.051. *BOARD* [COMMISSION]; MEMBERSHIP.

SECTION 3.05. Subsections (a) and (b), Section 1602.051, Occupations Code, are amended to read as follows:

(a) *The Advisory Board on* [Texas] Cosmetology [Commission] consists of five [six] members appointed by the *presiding officer of the commission, with the commission's approval,* [governor with the advice and consent of the senate] as follows:

- (1) one member who holds a *license for a beauty shop that is part of a chain of beauty shops* [license];

(2) *one member who holds a license for a beauty shop that is not part of a chain of beauty shops;*

(3) *one member who holds a private beauty culture school license; and*

(4) ~~[(3)] two members who each hold an operator license[; and~~

~~[(4) two members who represent the public].~~

(b) The associate commissioner for occupational education and technology of the Texas Education Agency or the associate commissioner's authorized representative shall serve as an ex officio member of the commission *without* ~~[with]~~ voting privileges.

SECTION 3.06. Subsections (a) and (c), Section 1602.055, Occupations Code, are amended to read as follows:

(a) Members of the board ~~[commission]~~ serve staggered six-year terms, with the terms of *one or two members expiring on the same date* ~~[December 31 of]~~ each odd-numbered year.

(c) If a vacancy occurs during a member's term, the *presiding officer of the commission, with the commission's approval*, ~~[governor]~~ shall appoint a replacement to fill the unexpired term.

SECTION 3.07. The heading to Section 1602.058, Occupations Code, is amended to read as follows:

Sec. 1602.058. PRESIDING OFFICER~~[-COMMITTEES]~~.

SECTION 3.08. Subsection (a), Section 1602.058, Occupations Code, is amended to read as follows:

~~[(a)]~~ The *presiding officer of the commission, with the commission's approval*, ~~[governor]~~ shall designate one member of the commission as presiding officer to serve in that capacity *for a two-year term* ~~[at the pleasure of the governor]~~.

SECTION 3.09. Subchapter B, Chapter 1602, Occupations Code, is amended by adding Section 1602.060 to read as follows:

Sec. 1602.060. BOARD DUTIES. (a) *The board shall advise the commission and the department on:*

(1) *education and curricula for applicants;*

(2) *the content of examinations;*

(3) *proposed rules and standards on technical issues related to cosmetology; and*

(4) *other issues affecting cosmetology.*

(b) *The board shall respond to questions from the department and the commission regarding cosmetology.*

SECTION 3.10. The heading to Subchapter D, Chapter 1602, Occupations Code, is amended to read as follows:

#### SUBCHAPTER D. ADDITIONAL POWERS AND DUTIES RELATED TO COSMETOLOGY

SECTION 3.11. Subsections (a) and (b), Section 1602.153, Occupations Code, are amended to read as follows:

(a) The *department* ~~[commission]~~ may request and, if necessary, compel by subpoena:

(1) the attendance of a witness for examination under oath; and

(2) the production for inspection and copying of records and other evidence relevant to the investigation of an alleged violation of this chapter.

(b) If a person fails to comply with a subpoena issued under this section, the *department* ~~[commission]~~, acting through the attorney general, may file suit to enforce the subpoena in a district court in Travis County or in the county in which a hearing conducted by the *department* ~~[commission]~~ may be held.

SECTION 3.12. Subsection (c), Section 1602.251, Occupations Code, is amended to read as follows:

(c) A person licensed by the *department* [commission] may practice cosmetology only at a facility operated by a person holding a beauty shop license, private beauty culture school license, or other license issued by the *department* [commission].

SECTION 3.13. Subsection (b), Section 1602.258, Occupations Code, is amended to read as follows:

(b) To be eligible for a specialty certificate, an applicant must:

- (1) be at least 17 years of age;
- (2) have obtained a high school diploma or the equivalent of a high school diploma or have passed a valid examination administered by a certified testing agency that measures the person's ability to benefit from training; and
- (3) have the necessary requisites as determined by the *department* [commission] in the particular specialty for which certification is sought, including training through a commission-approved training program.

SECTION 3.14. Subsections (a) and (b), Section 1602.266, Occupations Code, are amended to read as follows:

(a) The *department* [commission] shall require a student enrolled in a school of cosmetology in this state to hold a permit stating the student's name and the name of the school. The permit shall be displayed in a reasonable manner at the school.

(b) The *department* [commission] shall issue a student permit to an applicant who submits an application to the *department* [commission] for a student permit accompanied by the required fee.

SECTION 3.15. Subsection (b), Section 1602.267, Occupations Code, is amended to read as follows:

(b) The *department* [commission] shall issue a shampoo apprentice permit to an applicant who[~~;~~

~~(1)] is at least 16 years of age[;—and~~

~~(2) submits a certificate of health as required by Section 1602.253].~~

SECTION 3.16. Subsection (b), Section 1602.302, Occupations Code, is amended to read as follows:

(b) An application for a beauty shop license must be accompanied by the required inspection fee and:

- (1) be on a form prescribed by the *department* [commission];
- (2) contain proof of the particular requisites for a beauty shop established by the commission; and
- (3) be verified by the applicant.

SECTION 3.17. Subsections (b) and (c), Section 1602.303, Occupations Code, are amended to read as follows:

(b) An application for a private beauty culture school license must be accompanied by the required license fee and inspection fee and:

- (1) be on a form prescribed by the *department* [commission];
- (2) be verified by the applicant;
- (3) contain a detailed floor plan of the school building divided into two separate areas, one area for instruction in theory and one area for clinic work; and
- (4) contain a statement that the building:
  - (A) is fireproof;
  - (B) is of permanent construction;
  - (C) contains a minimum of 3,500 square feet of floor space;
  - (D) has separate restrooms for male and female students; and
  - (E) contains, or will contain before classes begin, the equipment established by commission rule as sufficient to properly instruct a minimum of 50 students.

(c) The applicant is entitled to a private beauty culture school license if:

(1) the *department* [~~commission~~] determines that the applicant is financially sound and capable of fulfilling the school's commitments for training;

(2) the applicant's facilities pass an inspection conducted by the *department under Section 1603.103* [~~commission~~]; and

(3) the applicant has not committed an act that constitutes a ground for denial of a license.

SECTION 3.18. Subsection (b), Section 1602.305, Occupations Code, is amended to read as follows:

(b) An application for a specialty shop license must be accompanied by the required inspection fee and:

(1) be on a form prescribed by the *department* [~~commission~~];

(2) contain proof of the particular requisites for a specialty shop as established by the commission; and

(3) be verified by the applicant.

SECTION 3.19. Subsection (b), Section 1602.306, Occupations Code, is amended to read as follows:

(b) An application for a booth rental license must:

(1) be on a form prescribed by the *department* [~~commission~~];

(2) contain information as required by commission rule; and

(3) be verified by the applicant.

SECTION 3.20. The heading to Section 1602.352, Occupations Code, is amended to read as follows:

Sec. 1602.352. *REQUIREMENT FOR FIRST [PROCEDURE FOR] RENEWAL OF LICENSE [OR REINSTATEMENT]*.

SECTION 3.21. Subchapter H, Chapter 1602, Occupations Code, is amended by adding Section 1602.353 to read as follows:

Sec. 1602.353. *INACTIVE STATUS. (a) Not later than the 10th day before the expiration date of a certificate or license issued under this chapter, the certificate or license holder may place the certificate or license on inactive status by:*

(1) *submitting an application for inactive status to the department on a form prescribed by the department; and*

(2) *paying the required fee.*

(b) *Except as provided by Subsection (e), a person whose certificate or license is on inactive status is not required to complete continuing education required under this chapter.*

(c) *A person whose certificate or license is on inactive status may reapply for inactive status before the expiration date of the certificate or license. The person must pay the required fee.*

(d) *A license holder may not employ a person on inactive status.*

(e) *A person on inactive status may return the certificate or license to active status by:*

(1) *applying to the department for active status on a form prescribed by the department;*

(2) *paying the required fee; and*

(3) *providing evidence satisfactory to the department that the person has completed the number of hours of continuing education that would otherwise have been required for a renewal of an active license for the preceding two-year license period.*

(f) *The commission may set fees and adopt rules to implement this section.*

SECTION 3.22. Section 1602.405, Occupations Code, is amended to read as follows:

Sec. 1602.405. *PRACTICE AT FACILITY LICENSED OR PERMITTED AS BARBER AND COSMETOLOGIST FACILITY [BY COMMISSION AND STATE BOARD OF BARBER EXAMINERS]*. (a) The commission may not adopt rules to restrict or prohibit

practice by a cosmetologist in a facility solely because the facility is licensed *or permitted by* ~~[both] the department under both this chapter and Chapter 1601 [commission and the State Board of Barber Examiners].~~

(b) If a facility has a license or permit under both this chapter and Chapter 1601 ~~[the commission and the State Board of Barber Examiners license the same facility]~~, the commission may not adopt rules requiring separate treatment of the barbers and cosmetologists practicing in the facility or of their customers, including separate:

- (1) work areas for barbers and cosmetologists;
- (2) waiting areas for customers of the barbers and cosmetologists; or
- (3) restrooms for the barbers and cosmetologists practicing in the facility or for their customers.

SECTION 3.23. Subsection (a), Section 1602.451, Occupations Code, is amended to read as follows:

(a) The holder of a private beauty culture school license shall:

- (1) maintain a sanitary establishment;
- (2) maintain on its staff and on duty during business hours one full-time licensed instructor for each 25 students in attendance;
- (3) maintain a daily record of students' attendance;
- (4) establish regular class and instruction hours and grades;
- (5) require a school term of not less than nine months and not less than 1,500 hours instruction for a complete course in cosmetology;
- (6) require a school term of not less than 600 hours instruction for a complete course in manicuring;
- (7) hold examinations before issuing diplomas;
- (8) maintain a copy of the school's curriculum in a conspicuous place and verify that the curriculum is being followed;
- (9) publish in the school's catalogue and enrollment contract a description of the refund policy required under Section 1602.458; *and*
- (10) ~~[submit to the executive director the name of each student within 10 days after the date the student enrolls in the school and notify the executive director of the withdrawal or graduation of a student not later than the 10th day after the date the student withdraws or graduates; and~~
- ~~[(11)]~~ provide the *department* ~~[commission]~~ with information on:
  - (A) the current course completion rates of students who attend a course of instruction offered by the school; and
  - (B) job placement rates and employment rates of students who complete the course of instruction.

SECTION 3.24. Section 1602.452, Occupations Code, is amended to read as follows:

Sec. 1602.452. INFORMATION PROVIDED TO PROSPECTIVE STUDENT. The holder of a private beauty culture school license shall furnish each prospective student with:

- (1) a course outline;
- (2) a schedule of the tuition and other fees assessed;
- (3) the refund policy required under Section 1602.458;
- (4) the school grading policy and rules relating to incomplete grades;
- (5) the school rules of operation and conduct, including rules relating to absences;
- (6) the name, mailing address, and telephone number of the *department* ~~[commission]~~ for the purpose of directing complaints to the *department* ~~[commission]~~; and
- (7) the current rates of job placement and employment of students who complete a course of training.

SECTION 3.25. Subsection (c), Section 1602.453, Occupations Code, is amended to read as follows:

(c) Before issuing or renewing a license under this chapter, the *department* [~~commission~~] shall require a school to account for each course length and curriculum content.

SECTION 3.26. Section 1602.454, Occupations Code, is amended to read as follows:

Sec. 1602.454. STUDENT RECORD. A private beauty culture school shall *notify* [~~send to~~] the *department* [~~commission a certified copy of a student's record, indicating all course hours completed by the student and whether the agreed tuition has been paid,~~] when a [the] student[;]

[~~(1)~~] graduates from a course of training offered by the school *and is eligible to take the appropriate examination*[; ~~or~~

[~~(2) withdraws or transfers from a course of training without completion of the training~~].

SECTION 3.27. Subsection (d), Section 1602.460, Occupations Code, is amended to read as follows:

(d) The *department* [~~commission~~] may exempt a school from the payment of interest if the school makes a good faith effort to refund the tuition but is unable to locate the student. The school shall provide to the *department* [~~commission~~] on request documentation of the effort to locate the student.

SECTION 3.28. Subsection (a), Section 1602.463, Occupations Code, is amended to read as follows:

(a) If a private beauty culture school closes, the *department* [~~commission~~] shall attempt to arrange for students enrolled in the closed school to attend another private beauty culture school.

SECTION 3.29. Subsections (a) and (b), Section 1602.464, Occupations Code, are amended to read as follows:

(a) If on January 1 of any year the amount in the private beauty culture school tuition protection account is less than \$200,000, the *department* [~~commission~~] shall collect a fee from each private beauty culture school during that year by applying a percentage to the school's renewal fee at a rate that will bring the balance of the account to \$200,000.

(b) The comptroller shall invest the account in the same manner as other state funds. Sufficient money from the account shall be appropriated to the *department* [~~commission~~] for the purpose described by Section 1602.463. The *department* [~~commission~~] shall administer claims made against the account.

SECTION 3.30. Subsections (a), (b), and (c), Section 1602.465, Occupations Code, are amended to read as follows:

(a) If the *department* [~~commission~~] has reasonable cause to believe that a private beauty culture school has violated this chapter or a rule adopted under this chapter, the *department* [~~commission~~] may:

- (1) order a peer review of the school; or
- (2) suspend the admission of students to the school.

(b) The peer review shall be conducted by a peer review team consisting of knowledgeable persons selected by the *department* [~~commission~~]. The *department* [~~commission~~] shall attempt to provide a balance on each team between members assigned to the team who are from this state and those who are from other states.

(c) The team shall provide the *department* [~~commission~~] with an objective assessment of the content of the school's curriculum and its application.

#### ARTICLE 4. CONFORMING AMENDMENTS

SECTION 4.01. Section 232.002, Family Code, is amended to read as follows:

Sec. 232.002. LICENSING AUTHORITIES SUBJECT TO CHAPTER. The following are licensing authorities subject to this chapter:

- (1) Department of Agriculture;

- (2) ~~[Texas Commission on Alcohol and Drug Abuse;~~
- ~~[(3)]~~ Texas Alcoholic Beverage Commission;
- (3) ~~[(4)]~~ Texas Appraiser Licensing and Certification Board;
- (4) ~~[(5)]~~ Texas Board of Architectural Examiners;
- (5) ~~[(6)]~~ ~~State Board of Barber Examiners;~~
- ~~[(7)]~~ Texas Board of Chiropractic Examiners;
- (6) ~~[(8)]~~ Comptroller of Public Accounts;
- (7) ~~[(9)]~~ ~~Texas Cosmetology Commission;~~
- ~~[(10)]~~ Court Reporters Certification Board;
- (8) ~~[(11)]~~ State Board of Dental Examiners;
- (9) ~~[(12)]~~ Texas State Board of Examiners of Dietitians;
- (10) ~~[(13)]~~ Texas Funeral Service Commission;
- (11) ~~[(14)]~~ ~~Texas~~ Department of *State Health Services* ~~[Health];~~
- (12) ~~[(15)]~~ ~~Texas~~ Department of *Aging and Disability* ~~[Human]~~ Services;
- (13) ~~[(16)]~~ Texas Board of Professional Land Surveying;
- (14) ~~[(17)]~~ Texas Department of Licensing and Regulation;
- (15) ~~[(18)]~~ Texas State Board of Examiners of Marriage and Family Therapists;
- (16) ~~[(19)]~~ Texas State Board of Medical Examiners;
- (17) ~~[(20)]~~ Midwifery Board;
- (18) ~~[(21)]~~ Texas Commission on Environmental Quality;
- (19) ~~[(22)]~~ Board of Nurse Examiners;
- (20) ~~[(23)]~~ Texas Board of Occupational Therapy Examiners;
- (21) ~~[(24)]~~ Texas Optometry Board;
- (22) ~~[(25)]~~ Parks and Wildlife Department;
- (23) ~~[(26)]~~ Texas State Board of Examiners of Perfusionists;
- (24) ~~[(27)]~~ Texas State Board of Pharmacy;
- (25) ~~[(28)]~~ Texas Board of Physical Therapy Examiners;
- (26) ~~[(29)]~~ Texas State Board of Plumbing Examiners;
- (27) ~~[(30)]~~ Texas State Board of Podiatric Medical Examiners;
- (28) ~~[(31)]~~ Polygraph Examiners Board;
- (29) ~~[(32)]~~ Texas ~~[Commission on]~~ Private Security *Board*;
- (30) ~~[(33)]~~ Texas State Board of Examiners of Professional Counselors;
- (31) ~~[(34)]~~ Texas Board of Professional Engineers;
- (32) ~~[(35)]~~ Department of *Family and Protective* ~~[and Regulatory]~~ Services;
- (33) ~~[(36)]~~ Texas State Board of Examiners of Psychologists;
- (34) ~~[(37)]~~ Texas State Board of Public Accountancy;
- (35) ~~[(38)]~~ Department of Public Safety of the State of Texas;
- (36) ~~[(39)]~~ Public Utility Commission of Texas;
- (37) ~~[(40)]~~ Railroad Commission of Texas;
- (38) ~~[(41)]~~ Texas Real Estate Commission;
- (39) ~~[(42)]~~ State Bar of Texas;
- (40) ~~[(43)]~~ Texas State Board of Social Worker Examiners;
- (41) ~~[(44)]~~ State Board of Examiners for Speech–Language Pathology and Audiology;
- (42) ~~[(45)]~~ Texas Structural Pest Control Board;
- (43) ~~[(46)]~~ Board of Tax Professional Examiners;

- (44) [(47)] Secretary of State;
- (45) [(48)] Supreme Court of Texas;
- (46) [(49)] Texas Transportation Commission;
- (47) [(50)] State Board of Veterinary Medical Examiners;
- (48) [(51)] Texas Ethics Commission;
- (49) [(52)] Advisory Board of Athletic Trainers;
- (50) [(53)] State Committee of Examiners in the Fitting and Dispensing of Hearing Instruments;
- (51) [(54)] Texas Board of Licensure for Professional Medical Physicists;
- (52) [(55)] Texas Department of Insurance;
- (53) [(50)] Texas Board of Orthotics and Prosthetics;
- (54) [(57)] savings and loan commissioner;
- (55) [(58)] Texas Juvenile Probation Commission; and
- (56) [(59)] Texas Lottery Commission under Chapter 466, Government Code.

SECTION 4.02. Subsection (d), Section 411.122, Government Code, is amended to read as follows:

(d) The following state agencies are subject to this section:

- (1) Texas Appraiser Licensing and Certification Board;
- (2) Texas Board of Architectural Examiners;
- (3) ~~State Board of Barber Examiners;~~
- [(4)] Texas Board of Chiropractic Examiners;
- (4) ~~[(5)] Texas Cosmetology Commission;~~
- [(6)] State Board of Dental Examiners;
- (5) [(7)] Texas Board of Professional Engineers;
- (6) [(8)] Texas Funeral Service Commission;
- (7) [(9)] Texas Board of Professional Geoscientists;
- (8) ~~[(10)] Texas~~ Department of *State Health Services*, except as provided by Section 411.110, and agencies attached to the department, including:
  - (A) Texas State Board of Examiners of Dietitians;
  - (B) Texas State Board of Examiners of Marriage and Family Therapists;
  - (C) Midwifery Board;
  - (D) Texas State Board of Examiners of Perfusionists;
  - (E) Texas State Board of Examiners of Professional Counselors;
  - (F) Texas State Board of Social Worker Examiners;
  - (G) State Board of Examiners for Speech–Language Pathology and Audiology;
  - (H) Advisory Board of Athletic Trainers;
  - (I) State Committee of Examiners in the Fitting and Dispensing of Hearing Instruments;
  - (J) Texas Board of Licensure for Professional Medical Physicists; and
  - (K) Texas Board of Orthotics and Prosthetics;
- (9) [(11)] Texas Board of Professional Land Surveying;
- (10) [(12)] Texas Department of Licensing and Regulation, except as provided by Section 411.093;
- (11) [(13)] Texas Commission on Environmental Quality;
- (12) [(14)] Texas Board of Occupational Therapy Examiners;
- (13) [(15)] Texas Optometry Board;
- (14) [(16)] Texas State Board of Pharmacy;



- (15) [(17)] Texas Board of Physical Therapy Examiners;
- (16) [(18)] Texas State Board of Plumbing Examiners;
- (17) [(19)] Texas State Board of Podiatric Medical Examiners;
- (18) [(20)] Polygraph Examiners Board;
- (19) [(21)] Texas State Board of Examiners of Psychologists;
- (20) [(22)] Texas Real Estate Commission;
- (21) [(22)] Board of Tax Professional Examiners;
- (22) [(24)] Texas Department of Transportation;
- (23) [(25)] State Board of Veterinary Medical Examiners;
- (24) [(26)] Board of Vocational Nurse Examiners;
- [(27)] Texas Department of Housing and Community Affairs;
- (25) [(28)] secretary of state;
- (26) [(28)] state fire marshal;
- (27) [(30)] Texas Education Agency; and
- (28) [(31)] Department of Agriculture.

SECTION 4.03. Subsection (a), Section 2054.352, Government Code, is amended to read as follows:

(a) The following licensing entities shall participate in the system established under Section 2054.353[, as added by Chapter 353, Acts of the 77th Legislature, Regular Session, 2001]:

- (1) [State Board of Barber Examiners;
- [(2)] Texas Board of Chiropractic Examiners;
- (2) [(3)] Texas Cosmetology Commission;
- [(4)] Court Reporters Certification Board;
- (3) [(5)] State Board of Dental Examiners;
- (4) [(6)] Texas Funeral Service Commission;
- (5) [(7)] Texas Board of Professional Land Surveying;
- (6) [(8)] Texas State Board of Medical Examiners;
- (7) [(9)] Board of Nurse Examiners;
- (8) [(19)] Texas Optometry Board;
- (9) [(11)] Texas Structural Pest Control Board;
- (10) [(12)] Texas State Board of Pharmacy;
- (11) [(13)] Executive Council of Physical Therapy and Occupational Therapy Examiners;
- (12) [(14)] Texas State Board of Plumbing Examiners;
- (13) [(15)] Texas State Board of Podiatric Medical Examiners;
- (14) [(16)] Board of Tax Professional Examiners;
- (15) [(17)] Polygraph Examiners Board;
- (16) [(18)] Texas State Board of Examiners of Psychologists;
- (17) [(19)] State Board of Veterinary Medical Examiners;
- (18) [(20)] Texas Real Estate Commission;
- (19) [(21)] Texas Appraiser Licensing and Certification Board;
- (20) [(22)] Texas Department of Licensing and Regulation;
- (21) [(24)] Texas State Board of Public Accountancy;
- (22) [(25)] State Board for Educator Certification;
- (23) [(25)] Texas Board of Professional Engineers;
- (24) [(27) Texas] Department of *State Health Services*;
- (25) [(28)] Texas Board of Architectural Examiners;

- (26) [(29)] Texas Racing Commission;
- (27) [(30)] Commission on Law Enforcement Officer Standards and Education; and
- (28) [(31)] Texas [Commission on] Private Security Board.

## ARTICLE 5. REPEALER

SECTION 5.01. The following laws are repealed:

- (1) Subchapters C, D, E, and O, Chapter 1601, Occupations Code;
- (2) Subchapters C, E, and K, Chapter 1602, Occupations Code; and
- (3) Sections 1601.004, 1601.051(b) and (c), 1601.052, 1601.053, 1601.054, 1601.056, 1601.057, 1601.252, 1601.261, 1601.262, 1601.263, 1601.264, 1601.266, 1601.267, 1601.302, 1601.310, 1601.311, 1601.356, 1601.401, 1601.402(d), 1601.403, 1601.404(a) and (b), 1601.408, 1601.502, 1601.503, 1601.506, 1601.601, 1601.651, 1601.654, 1602.004, 1602.051(c), 1602.052, 1602.053, 1602.054, 1602.055(b), 1602.056, 1602.057, 1602.058(b), 1602.059, 1602.151, 1602.152, 1602.154, 1602.155, 1602.252, 1602.253, as amended by Chapter 1282, Acts of the 78th Legislature, Regular Session, 2003, 1602.259, 1602.260, 1602.261, 1602.263, 1602.264, 1602.265, 1602.303(d), 1602.304(b), 1602.351(d), 1602.352(b) through (f), 1602.407, 1602.551, 1602.552, 1602.553, and 1602.555, Occupations Code.

## ARTICLE 6. TRANSITION AND EFFECTIVE DATE

SECTION 6.01. (a) The State Board of Barber Examiners and the Texas Cosmetology Commission are abolished but continue in existence until January 1, 2006, for the sole purpose of transferring obligations, property, full-time equivalent positions, rights, powers, and duties to the Texas Department of Licensing and Regulation. The Texas Department of Licensing and Regulation assumes all of the obligations, property, full-time equivalent positions, rights, powers, and duties of the State Board of Barber Examiners and the Texas Cosmetology Commission, as they exist immediately before the effective date of this Act. All unexpended funds appropriated to the State Board of Barber Examiners and the Texas Cosmetology Commission are transferred to the Texas Department of Licensing and Regulation. The transfer of the obligations, property, full-time equivalent positions, rights, powers, and duties of the State Board of Barber Examiners and the Texas Cosmetology Commission to the Texas Department of Licensing and Regulation must be completed not later than January 1, 2006.

(b) All rules of the State Board of Barber Examiners and the Texas Cosmetology Commission are continued in effect as rules of the Texas Commission of Licensing and Regulation until superseded by a rule of the Texas Commission of Licensing and Regulation. A certificate, license, or permit issued by the State Board of Barber Examiners or the Texas Cosmetology Commission is continued in effect as provided by the law in effect immediately before the effective date of this Act. A complaint, investigation, contested case, or other proceeding pending on the effective date of this Act is continued without change in status after the effective date of this Act. An inspection or other activity conducted by the State Board of Barber Examiners or the Texas Cosmetology Commission is considered to be an inspection or activity conducted by the Texas Department of Licensing and Regulation, including an inspection or other activity conducted for purposes of allowing a school, shop, or facility to continue to operate under Section 1603.103, Occupations Code, as added by this Act.

(c) A reference in another law or an administrative rule to the State Board of Barber Examiners or the Texas Cosmetology Commission means the Texas Department of Licensing and Regulation.

SECTION 6.02. (a) The State Board of Barber Examiners and the Texas Cosmetology Commission, in cooperation with and at the direction of the Texas Department of Licensing and Regulation shall complete all necessary computer programming and other tasks to ensure that the agency numbers assigned by the comptroller of public accounts to the board and the commission are not necessary for any fiscal year after 2005, except to complete earlier fiscal year revenue and expenditure transactions and reporting. The number assigned by the comptroller of public accounts to the Texas Department of Licensing and Regulation shall be

used to record transactions related to the regulation of barbering and cosmetology beginning in fiscal year 2006.

(b) Not later than July 1, 2005, the State Board of Barber Examiners and the Texas Cosmetology Commission shall request that the comptroller of public accounts grant the Texas Department of Licensing and Regulation inquiry-only security access to the uniform statewide accounting system, the state property accounting system, the uniform statewide payroll system, and the human resources information system for their respective agencies. The Texas Department of Licensing and Regulation and the comptroller of public accounts may coordinate implementation of this section.

(c) Not later than July 15, 2005, the Texas Department of Licensing and Regulation shall provide to the State Board of Barber Examiners and the Texas Cosmetology Commission detailed information regarding those agencies' responsibilities under Subsection (a) of this section.

SECTION 6.03. Sections 1602.353 and 1603.352, Occupations Code, as added by this Act, take effect January 1, 2006.

SECTION 6.04. (a) Except as provided by Subsection (b) of this section, this Act takes effect September 1, 2005.

(b) Section 6.02 of this Act takes effect immediately if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, Section 6.02 of this Act does not take effect.

Passed the Senate on April 26, 2005: Yeas 31, Nays 0; the Senate concurred in House amendments on May 28, 2005: Yeas 31, Nays 0; passed the House, with amendments, on May 23, 2005: Yeas 141, Nays 0, four present not voting.

Approved June 17, 2005.

Effective September 1, 2005, except Section 6.02, effective immediately, and Sections 1602.353 and 1603.352, Occupations Code, effective January 1, 2006.

## CHAPTER 799

### S.B. No. 423

#### AN ACT

relating to the issuance of a limited license to practice medicine to certain applicants.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Subchapter A, Chapter 155, Occupations Code, is amended by adding Section 155.006 to read as follows:

*Sec. 155.006. ISSUANCE OF LIMITED LICENSE. (a) The board may adopt rules and prescribe fees related to the issuance of a license under this section that is limited in scope to an applicant by virtue of the applicant's conceded eminence and authority in the applicant's specialty.*

*(b) An applicant is eligible for a limited license under this section on presenting proof satisfactory to the board that the applicant:*

*(1) is recommended to the board by the dean, president, or chief academic officer of:*

*(A) a school of medicine in this state;*

*(B) The University of Texas Health Center at Tyler;*

*(C) The University of Texas M. D. Anderson Cancer Center; or*

*(D) a program of graduate medical education, accredited by the Accreditation Council for Graduate Medical Education or the American Osteopathic Association, that exceeds the requirements for eligibility for first board certification in the discipline;*